

No. PD-0574-19

IN THE
TEXAS COURT OF CRIMINAL APPEALS
SITTING AT AUSTIN, TEXAS

FILED
COURT OF CRIMINAL APPEALS
4/20/2021
DEANA WILLIAMSON, CLERK

ADRIAN VALADEZ, *APPELLANT*

VS.

THE STATE OF TEXAS

ON DISCRETIONARY REVIEW FROM THE TENTH COURT OF APPEALS
CAUSE No. 10-17-00161-CR

STATE'S MOTION FOR EXTENSION OF TIME TO FILE BRIEF

BARRY JOHNSON
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TO THE HONORABLE COURT OF CRIMINAL APPEALS

The State of Texas moves for an extension of Thirty Days to file its Brief, pursuant to Tex. R. App. P. 10.5(b). The State's request is based upon the following reasonable explanation of the need for additional time, within the personal knowledge of Sterling Harmon, the attorney signing this motion, namely:

The State moves this court to allow an extension of thirty days to file its Brief in this Cause. The State's Brief is due on April 19, 2021. **The State requests that the new deadline be May 19, 2021.** This is the State's first request for an extension in this matter.

On March 26, 2021, State's counsel completed and filed the State's Brief in *Johnson v. State*, Cause Number 10-20-00098-CR on the docket of the Tenth Court of Appeals.

On April 1, 2021, State's counsel completed and filed the State's Brief in *Lane v. State*, Cause Number 07-20-00246-CR on the docket of the Seventh Court of Appeals.

On April 7, 2021, State's counsel submitted a Response in *Cornelius v. State*, Cause Number 10-20-00083-CR on the docket of the Tenth Court of Appeals, advising that Court that his review of the Appellant's Brief, the record, and the applicable law reflected agreement with the Applicant's point of error.

Further, State's counsel has been preparing for oral argument, scheduled for May 12, 2021, in *Clay v. State*, Cause Number 10-19-00093-CR on the docket of the Tenth Court of Appeals.

Attention to these other matters has not allowed sufficient time to complete the State's Brief in the matter at bar. The additional time requested is not sought frivolously or for delay, but will be of genuine assistance in preparing the State's brief.

For the foregoing reasons, the State prays that the Court grant this Motion and modify and extend the deadline for filing the State's brief to **May 19, 2021** or that this Court grant such additional time as is just and proper.

Respectfully Submitted:

BARRY JOHNSON

Criminal District Attorney
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/s/ Sterling Harmon

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CERTIFICATE OF SERVICE

I certify that I caused to be served a true and correct copy of this motion through the eFile system to Appellant's attorney of record, Richard E. Wetzel, at attorneywetzel@gmail.com.

DATE: 4/19/21

/s/ STERLING HARMON

STERLING HARMON

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